UNITED NATIONS

General Assembly

FORTY-SIXTH SESSION

Official Records

THIRD COMMITTEE
53rd meeting
held on
Wednesday, 27 November 1991
at 10 a.m.
New York

SUMMARY RECORD OF THE 53rd MEETING

Chairman: Mr. AL-SHAALI (United Arab Emirates)

CONTENTS

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

This record is subject to correction.
Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, Room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

91-57701 5480S (E)

Distr. GENERAL
A/C.3/46/SR.53
12 December 1991
ENGLISH
ORIGINAL: FRENCH

The meeting was called to order at 10.15 a.m.

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (continued) (A/46/67, 70, A/46/71*-E/1991/9*, A/46/72, 81, 83, 85, 95, 96, 99, 117, 121, 135, A/46/166-E/1991/71, A/46/183, A/46/184-E/1991/81, A/46/205*, 210, 226, 260, 270, 273, 290, A/46/292-S/22769, A/46/294, A/46/304-S/22796, A/46/312, 322, 331, 332, 351, 367, 402, 424, 467, 485, A/46/486-S/23055, A/46/493, 526, 582, 587*, A/46/598-S/23166; A/C.3/46/L.25)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/46/3 (chap. VI, sect. C), 24, 473, 542, 543, 603, 609 and Add.1 and 2, 616 and Corr.1, 420, 421, 422, 504; A/C.3/46/L.2, L.3/Rev.1)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/46/3 (chap. VI, sect. C), 401, 446, 529, 544 and Corr.1, 606, 647)

1. The CHAIRMAN gave the floor to delegations wishing to exercise their right of reply.

2. Ms. DINH THI MINH HUYEN (Viet Nam), replying to the representative of Sweden who had alleged the existence of "political prisoners" in Viet Nam and to the Canadian representative who had brought up the question of religious freedom in Viet Nam, said that, first, there were no political prisoners in Viet Nam. Since the liberation of South Viet Nam in 1975, the Vietnamese Government had adopted a humanitarian policy which prohibited all reprisals against those who had collaborated with foreign armed forces during the war. The 2 million or so Vietnamese to whom that applied had been set free and their citizenship had been restored. No one had been executed and only about 100 people who had committed serious crimes and massacres had been detained. Those people were not political prisoners but war criminals, and if they were brought to court they could not escape capital punishment or life imprisonment. However, the Vietnamese Government continued to consider their cases with a view to releasing them all. In that connection, she recalled that after the Second World War in Europe hundreds of thousands of collaborators with Hitler had been sentenced to capital punishment as war criminals.

3. Second, freedom of religion had always been fully respected in Viet Nam and was enshrined in the Constitution. If a follower of any religion was detained it was because he had violated the law and not because of his belief. Viet Nam's Constitution stipulated that all citizens were equal before the law.

4. Third, notwithstanding economic difficulties, the Vietnamese Government was making great efforts to strengthen the national legal and constitutional mechanisms so as to promote its people's effective enjoyment of economic,

(Ms. Dinh Thi Minh Huyen, Viet Nam)

social and cultural rights as well as of civil and political rights. Those new developments were acknowledged by a great number of countries, including some whose delegations had been critical of Viet Nam. Her delegation considered the Swedish statement concerning alleged "political prisoners" and Canada's statement concerning religious freedom to be biased and unfounded. Viet Nam had demonstrated its commitment to the cause of human rights by ratifying a number of international legal instruments. Its actions were entirely consistent with the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other international instruments to which it was a party.

5. Mr. OULIA (Islamic Republic of Iran) said that, while rejecting as unfounded the allegations made by certain delegations, he wished to deal with the most serious among them.

6. Drug trafficking had created serious social and economic problems for his country. To safeguard the lives of its youth, Iran had organized a comprehensive campaign against illicit drug trafficking and was spending a significant portion of its national funds on that campaign. As a result, many drug trafficking connections had been destroyed and criminals brought to justice. Any compromise with the smugglers would endanger not only Iran but also the countries to which the drugs were directed. The law had to be strictly applied. Prosecution of drug traffickers should not be regarded as a violation of individual rights but rather as a means of protecting the fundamental rights of all people against the danger of international trafficking bands. The criminals had been judged in appropriate courts and sentenced in accordance with the law.

7. The observations made concerning the nature and extent of cooperation between the Islamic Republic of Iran, on one hand, and the Special Representative of the Commission on Human Rights and the International Committee of the Red Cross, on the other, suffered from a lack of up-to-date information. The nature of the relationship was one of continued and consistent exchange of views, correspondence and, at times, on-site visits.

8. His delegation believed that the process had already dispelled many misgivings and misconceptions about the human rights situation in Iran and that further progress in relations between the Islamic Republic of Iran and the ICRC had the potential of disclosing the truth and dispelling all remaining doubts once and for all. Iran was proud of its achievements in the legal and humanitarian fields since the Islamic Revolution and believed that, as a result of its contacts with international organizations, those achievements would come to be appreciated.

9. Mr. MIJOSO (Malawi) said that he wished to reply to the Canadian representative's allegations of severe limitation of political expression of speech and of the press, as well as of arbitrary detentions, in Malawi.

(Mr. Mijoso, Malawi)

10. In fact, all citizens and other residents were free to discuss topical issues provided they respected the law and the sensitivities of the Malawi people; the same, he believed, was true of many other countries. Malawi's political setup might be different from that of some other countries, but there was no one specific political system which Member States of the United Nations had to follow.

11. As to the alleged detentions without charge, his Government was in duty bound to take legal and effective measures to maintain law and order.

12. Mr. WISNUMURTI (Indonesia), replying to delegations which had expressed concern at the incident occurring at Dili in the province of East Timor on 12 November 1991, and in particular at the loss of life which had taken place, said that Indonesia appreciated such humanitarian concern and had from the outset expressed its own deep regret. However, some delegations had adopted patently biased and judgemental positions in a systematic effort to exaggerate the importance of the incident for self-serving political purposes.

13. Speaking in the exercise of the right of reply on 19 November, his delegation had presented information to the Committee pertaining to the incident at Dili as known at that time. It was to be regretted that conclusions had been drawn prematurely, even before the commission of inquiry had begun its work, and that a disinformation campaign was under way. The statement by the representative of Vanuatu was an extreme example of the attitude referred to; in order to aggravate the situation, he had introduced extraneous elements, including so-called witnesses, thus deviating from the normal procedures of the Committee.

14. Furthermore, the representative of Vanuatu had felt free to question the legitimate exercise of self-determination by the people of East Timor and had challenged the veracity of the investigation launched by the Indonesian Government. The statement that the commander of the armed forces would lead the inquiry into the incident could only be construed as a deliberate attempt to mislead the members of the Committee. His delegation had already stated that a national commission of inquiry headed by a justice of the Supreme Court and composed of members of the executive and legislative branches and of the Supreme Advisory Council had been set up by the President and mandated to conduct a fair and comprehensive investigation and to make its findings public.

15. Indonesia, which was aware of its international obligations, particularly with regard to human rights, could not accept the statement made by the Australian delegation warning it that the international community would be watching closely the measures taken following the incident at Dili and draw its conclusions as to Indonesia's attitude with regard to the internationally recognized standards of human rights upheld by the United Nations. Indonesia did not have to prove its commitment to those standards and its actions were not motivated by such considerations. The rule of law prevailed in Indonesia

(Mr. Wisnumurti, Indonesia)

and the Government was responsible only to the Indonesian people. The creation of the Commission of Inquiry reflected the determination of the Indonesian Government to ascertain the facts surrounding the incident and to prosecute those responsible in accordance with the law.

16. The statement made by the Portuguese delegation on 25 November had clearly been intended to incite hostility towards Indonesia. The use of words such as "massacre" and "genocide" and the detailed but uncorroborated account of the incident demonstrated that only too clearly.

17. The Portuguese delegation had deemed it appropriate to build a theory based on distorted facts, misquotations and hearsay, on the basis of which it had concluded that the incident had been "premeditated" and had resulted from "a policy carried out deliberately to suppress mercilessly all those who refused to obey in East Timor". His delegation could only deplore the attitude of the Portuguese delegation. If Portugal was seriously concerned for the well-being of the people of East Timor, it would refrain from any action that might exacerbate the situation and instead direct its efforts towards supporting the endeavours of the Secretary-General to arrive at a universally acceptable solution.

18. If there was a genuine desire to determine what had actually occurred and to ensure that justice was done, it was essential to allow the Commission to carry out its mandate and in fairness await its findings. The conclusions which some delegations had already drawn without having heard all the parties involved were not only premature and biased, but undermined the due process of law in Indonesia.

19. Exaggerations and fabrications could only serve to aggravate the situation and jeopardize the Secretary-General's efforts.

20. Mr. AIYAR (India) regretted having to take issue with the delegation of Pakistan. While his delegation took the utmost care to avoid any pejorative reference to Pakistan, the latter appeared to devote equal care to attacking India in the United Nations, particularly in the Third Committee, and had hardly spoken on any other matter. His delegation wondered what good that annual ritual did for the people of Pakistan and regretted that the prospects for improved relations between India and Pakistan were jeopardized by such polluting of the international atmosphere.

21. On 26 November, his delegation had drawn attention to terrorism, both territorial and extra-territorial, and to the forces - internal and external - which supported terrorists and terrorist organizations, but it had taken care not to mention Pakistan explicitly, although Pakistan was in fact the single most important base for terrorism in the subcontinent, the home of the nexus between terrorism and narcoterrorism, the source of sustenance and the refuge for terrorists operating in India. For that reason, his delegation, in its

(Mr. Aiyar, India)

statement on 26 November, had appealed to the international community to cooperate in preventing any abetting of terrorism from beyond the borders of the country concerned.

22. The impediments to the full enjoyment of human rights in the Indian State of Jammu and Kashmir had, in fact, been created by Pakistan. The State of Jammu and Kashmir was facing a low-intensity war fomented and directed by Pakistan, which trained, armed and supplied the terrorists and helped them to infiltrate into Jammu and Kashmir, not to mention the similar depredations across the Punjab border. The aim of the terrorists was to undermine the foundations and constitutional guarantees of the democratic Indian State by resort to criminal methods such as kidnapping, extortion, pillage, rape, rapine, torture and murder. By terrorizing innocent and unarmed people, the terrorists backed by Pakistan sought to deprive the people of Jammu and Kashmir of the right to elect their representatives through free and fair elections, to abrogate their freedom of expression, muzzle the press, shackle the judiciary and destroy harmony in society.

23. There was no lack of proof of Pakistan's complicity with the terrorists operating in India. In April 1990, the respected American journalist, Selig Harrison, wrote in the Washington Post that evidence gathered in Pakistan and the testimony of both Indian and American sources indicated that there had been some 63 camps operating at various times during the previous two years. Captured agents and guerillas had provided detailed evidence that Pakistan had trained hundreds of guerillas and had smuggled more than 600 weapons into the Kashmir Valley.

24. The former United States Ambassador to Pakistan, Mr. Robert Oakley, had acknowledged that his Government should have urged the Government of Pakistan to do everything possible to ensure that Pakistani territory was not used as a base for military or terrorist activities in support of the militants in Kashmir.

25. India was determined to stamp out terrorism and to thwart the machinations of the Pakistan-backed terrorists since, as his delegation had already affirmed in its previous statement, it believed that there was no inherent contradiction between the struggle against terrorism and respect for human rights and that, on the contrary, respect for human rights was a key instrument in that struggle.

26. There had been lapses and there could be further lapses. That was regrettable and the State had a bounden duty to prevent such lapses and to punish those responsible. Unfortunately, Pakistan seemed to see it as its duty to provide moral and material support to the terrorists and to give currency to unfounded propaganda. India was a signatory to more human rights covenants than Pakistan and Indian law provided ample safeguards against violations of human rights, even in such exceptional circumstances as those

(Mr. Aiyar, India)

which Pakistan's activities had created in the Indian State of Jammu and Kashmir. The representative of Pakistan had evoked the right of self-determination, citing resolutions which had lapsed following Pakistan's stubborn refusal to evacuate the territories which it occupied by force of arms in Kashmir and its repeated acts of aggression against India. The right to self-determination did not apply to peoples which formed an integral part of a sovereign State, but only to colonial or Non-Self-Governing Territories. The population of Jammu and Kashmir had long participated in periodic, free and fair elections, which was more than could be said for the unfortunate population of those regions of Kashmir still suffering under Pakistani occupation and the population of Pakistan itself. Peace and cooperation could hardly flourish in a climate of recrimination and rancour. India therefore urged Pakistan to cease its provocation and to devote its energies instead to the establishment of good-neighbourly relations, which were essential to peace in the region and to the prosperity of the peoples of the two countries which, together, had much to offer to the world.

27. Mr. TOROU (Chad), replying to the Canadian delegation, which had mentioned Chad as being among the countries in which serious violations of human rights, including torture and the detention of political prisoners, were still taking place, said he regretted that justice had not been done sooner to the progress made in his country with regard to human rights since almost a year earlier. When until, 1 December 1990, Chad had been suffering under an implacable dictatorship which flouted the elementary principles of human rights, no voice, except that of Amnesty International, had been raised to condemn that regime, no doubt because of reasons of State. That bloody dictatorship had been the cause of 10,000 deaths, according to the cautious estimates of the International Federation of Human Rights, whose representative, Mr. Jean-Paul Jean, had been in Chad in July 1991 to lead the seminar organized by the Chadian League of Human Rights, which had discussed such diverse topics as the major international and regional instruments, the application of standards at the national level, human rights and justice, detained and imprisoned persons, the police, the right to information, and so on.

28. Chadians had sacrificed their lives to put an end to the mass violations of human rights and some survivors would bear the scars for ever.

29. Currently, Chad was governed by a national charter that guaranteed all fundamental freedoms to both the majority and the minorities. Even though the machinery was not yet running at full speed, Chad believed that the progress made was worthy of note.

30. Mr. RAZOOQI (Kuwait), replying to the representative of the Palestine Liberation Organization (PLO) who had alluded to the tragic situation of the Palestinians expelled from Kuwait and of those who were still there, asserted that that was a distortion of the facts. Kuwait had requested a United

(Mr. Razooqi, Kuwait)

Nations mission to be sent, the head of which, Mr. Abdulrahim A. Farah, had submitted a report (S/22536), stating in paragraph 6 that over two thirds of the civilian population had been forced into exile; of an original 650,000 Kuwaitis, only 200,000 were estimated to have remained during the occupation; and that over one million foreign nationals, representing more than two thirds of their original number, had been compelled to leave the country. It was clear from the report that it was not Kuwait that had compelled the Palestinians to leave its territory.

31. The Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), who had gone to the country at Kuwait's invitation, indicated in his report (A/46/13, para. 14) that between August 1990 and March 1991 - namely, during the Iraqi occupation - approximately 250,000 persons holding Jordanian passports had arrived in Jordan, of whom the majority were of Palestinian origin. As to the dramatic conditions under which the Palestinians were said to be currently living, that had to be assessed in the light of the critical situation in which Kuwait found itself. It remained to be seen exactly who had committed atrocities and why. After the occupation, the country was completely devastated. There was no electricity, no water, no food. Was it any wonder that there should be hatred in Kuwait? To support his contentions, he again cited the report of the mission led by Mr. Farah, which stated (para. 5) that at the time of the mission's arrival in Kuwait, the Government had barely begun to re-establish its administration and to restore basic community services, and that the situation had created considerable difficulties for the mission. In the aftermath of such devastation, it had required an enormous effort to re-establish public order in Kuwait. But when the situation was once again under control, the isolated abuses committed had been punished.

32. Kuwait was aware of its international obligations and it was resolved to honour them.

33. Mr. STRUGAR (Yugoslavia) said that it was understandable that Yugoslavia had often been mentioned during the debate on human rights, for war was the most serious violation of human rights because of the loss of human life and the suffering it caused. His Government was aware of that and was doing everything possible to re-establish order, in cooperation with the European Community (EC), the Conference on Security and Cooperation in Europe (CSCE), the United Nations, the Office of the United Nations High Commissioner for Refugees (UNHCR) and ICRC. At that very moment, consultations were under way in the Security Council, at the request of the Yugoslav Government and the principal parties to the conflict, regarding the establishment of a peace-keeping operation.

34. Many countries had been of assistance during that difficult period, but some had unfortunately taken contentious positions. The attitude shown by Albania in the Committee exacerbated inter-ethnic friction in Yugoslavia. The

(Mr. Strugar, Yugoslavia)

Albanian representative had made unfounded accusations against Yugoslavia regarding the situation of the Albanian minority in Kosovo and Metohija. Behind such accusations, of course, were Albania's thinly disguised territorial aspirations, as it sought to take advantage of the crisis besetting Yugoslavia to fulfil its long-standing desire of creating a Greater Albania. With regard to the statement of the representative of Hungary, it went beyond the bounds of good-neighbourly behaviour and represented an interference in Yugoslavia's internal affairs.

35. The arms embargo imposed by the Security Council had been violated by certain neighbouring countries. That fact had been confirmed in the report of the Secretary-General on the situation in Yugoslavia (S/23169) and in the findings of his special envoy, Mr. Cyrus Vance.

36. Yugoslavia expected neighbouring countries to demonstrate support, or at least understanding, in accordance with Security Council resolution 713 (1991) which called on all States to refrain from any action which might contribute to increasing tension and to impeding or delaying a peaceful and negotiated outcome to the conflict in Yugoslavia, which would permit all Yugoslavs to decide upon and to construct their future in peace.

37. Mr. JAAFARI (Syria) said that the statement of the representative of Israel would not be out of place in an anthology of the theatre of the absurd, as was to be expected on the part of Israeli foreign representatives. The world had lost patience with the outrageous Israeli maxims making the rights of the Jew more important than the rights of contemporary human beings pure and simple, wherever they were to be found and whatever their religion, race or community. For the representative of Israel, all the sufferings of the world were encompassed in the fate of some Syrians of Jewish faith who had allegedly been detained by the Syrian security services for illegal contacts with Israel, a country with which Syria was at war. As for the fate of the millions of Arabs both inside and outside the occupied territories who for 50 years had been enduring aggression, occupation, repression, oppression and expulsion, the representative of Israel did not deem that worthy of notice by the international community.

38. In any case, the situation of the Syrian citizens of Jewish faith was much better than that of the Eastern Jews in Israel, as confirmed in a Diplomatic World article of October 1991. Lately, there had been a wretched example of such discrimination among Jews within Israel itself, when the Polish Jew Shamir had refused to permit the Israeli Minister for Foreign Affairs, David Levy, a Jew of Arab origin, to lead the Israeli delegation to the Madrid peace conference. According to the representative of Israel, the fate of Jews could be a subject of concern, even in terms of race, religion, discrimination and intervention, but it was not permissible to speak of the occupation of territories, the dispersion of millions of Palestinians and Arabs, the establishment of settlements and the immigration of hundreds of thousands of Soviet Jews housed in homes belonging to Arabs, because that

(Mr. Jaafari, Syria)

involved the rights of the Arab and not the Jew. The tens of thousands of Arabs imprisoned in Israeli jails, the children of the intifadah who were killed or whose limbs were broken, the pregnant women who aborted after inhaling toxic gases, the theft of property belonging to the Islamic Court of Jerusalem, the occupation of the Orthodox Church in Jerusalem, the closing of the Palestinian universities for four years - all that was secondary in the eyes of the representative of Israel.

39. Israel's representatives in international bodies would do better to remain silent, so that some aspects of the ferocious behaviour of the Israeli authorities in the area of human rights might perhaps be forgotten. The Committee on the Elimination of Racial Discrimination noted in its report (A/46/18, para. 387) that the Government of Israel had implemented in the occupied territories neither the Geneva Convention relative to the Protection of Civilian Persons in Time of War nor the International Convention on the Elimination of All Forms of Racial Discrimination, and expressed great concern about the situation in the occupied territories. Discrimination like that by the Israelis, based on religion or race, was unknown in Syria, a country whose people believed in pluralism and which had a centuries-old tradition of peaceful coexistence among religions. In the report they submitted to the European Community, the two European delegates who had visited Syria from 1 to 5 July 1991 observed with regard to the situation of Syria's Jewish citizens that the European ambassadors posted in Damascus were all agreed that the statements made on the subject in Europe were very exaggerated, and that the situation was far from being as serious as was claimed.

40. Two other points should be made in that regard. First, the Grand Rabbi of Damascus, Ibrahim Hamra, had addressed a letter to the President of the Syrian Arab Republic underscoring Syria's message of peace and reaffirming that Syria was going through a period of great cultural and fraternal renaissance among all the religions and communities within the Syrian nation. Secondly, the latest report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/46/522, para. 392) indicated that on 7 May 1991, a Prison Services spokeswoman had confirmed a report that a 19-year-old Palestinian woman had been forced to give birth with her arms handcuffed to the bed.

41. Mr. BURCUOGLU (Turkey) said it was unfortunate that, instead of adopting a realistic attitude that would facilitate a solution, the representative of Greece had repeated the standard accusations which distorted the facts and ran counter to Security Council resolutions 649 (1990) and 716 (1991). He recalled the circumstances under which the Republic of Cyprus had been created in 1960 by the Turkish and the Greek Cypriot communities. In 1963, the Greek Cypriots, encouraged, or even provoked, by Greece, had set off a civil war, upset the constitutional order, driven the Turkish community from the government offices and divided Cyprus in the name of union with Greece.

(Mr. Burcuoğlu, Turkey)

42. The United Nations had had to send peace-keeping forces in 1964 to save the Turkish Cypriots from extermination. The fact that those forces were still in Cyprus 27 years later was largely Greece's fault.

43. In 1974, Greece had fomented a coup d'état and had sought to annex Cyprus outright; that attempt had failed because of Turkish intervention to uphold international treaties.

44. Greece had made no effort to facilitate a reconciliation between the two peoples in Cyprus; on the contrary, it had always supported the most extremist Greek Cypriots.

45. His delegation deplored the fact that for 28 years Greece had persisted in using the same sterile rhetoric. That attitude made one wonder whether Greece really wanted the Cypriot problem solved or whether it just wanted to perpetuate the problem.

46. On 22 November 1991, he had reported to the Committee on the events of the past year; Greece, on the other hand, had felt compelled to refer back to the 1940s and 1950s, the period of the Second World War and the height of the cold war. In fact, no country could be proud of its human rights record during that period. Turkey regretted the mistakes that had been made during that time, but noted that Greece did not regret the events of 1990 and 1991. Greece was probably the only European country to have a nationality act that contained a racist provision: any person not of Greek origin could be deprived of his nationality if he left the country. Thousands of persons belonging to the Muslim Turkish minority in Greece had been the victims of that provision, which was still in force, despite repeated promises that it would be changed.

47. Since 1984, Turkey had unilaterally abolished the visa requirement for Greek nationals. Greece, however, did not accord reciprocal treatment to Turkish nationals.

48. In Greece, Muslim clerics were appointed by the Government, while the leaders of other religious groups were elected by their respective communities or by the hierarchy. To justify that measure, Greece maintained that it was following the example of Islamic countries. However, Greece was not an Islamic country. He wondered, then, why such discrimination existed. He also wondered why Greece did not follow Turkey's example: the Greek Orthodox patriarch of Istanbul had been elected by the clerical hierarchy, without interference from the Turkish Government. Turkey considered such violations of religious freedom by Greece to be unacceptable.

49. As for the human rights situation in Turkey, he recalled the statement he had made at the 48th meeting and affirmed that his country had nothing to hide; like all countries, Turkey had experienced problems related to human rights, but it was determined to overcome them and ensure full enjoyment of human rights to all nationals.

(Mr. Burcuoğlu, Turkey)

50. No discrimination existed vis-à-vis nationals of Kurdish origin. The inhabitants of Anatolia had shared a common history and the same values, traditions, legends and destiny for a thousand years. Nationals of Kurdish origin were entirely free to express their opinions in a pluralistic democracy, which was the best means of ensuring respect for human rights, as the recent legislative elections had demonstrated.

51. Mr. REINO (Portugal), addressing the question of East Timor, said he could understand the embarrassment of the representative of Indonesia, given that he had had to defend an unworthy cause. The representative of Indonesia could raise only purely formal arguments to oppose the determination of a people that was affirming its cultural and religious identity. In the first place, the representative of Indonesia denied or downplayed facts that were common knowledge and had become history. In the second place, he maintained that the Indonesian judicial system had an unblemished reputation and was capable of conducting an impartial inquiry. However, history refuted that claim. In the third place, the Indonesian position was based on a false premise, since, according to the relevant resolutions of the Security Council and the General Assembly, Timor was not a province of Indonesia. Consequently, the Indonesian judicial authorities did not have competence in Timorese territory.

52. The representatives of several countries, speaking in the Third Committee, had denounced and condemned blatant human rights violations in East Timor. The representative of Indonesia had taken issue with every one of those denunciations. Several parliaments, Governments and international bodies had also denounced the repression in East Timor. Under those circumstances, only an international commission of inquiry could determine the facts. He had just been informed that on the previous evening the Secretary-General had announced at Madrid his decision to appoint a commission of inquiry. While that information had yet to be confirmed, his delegation hoped that it was true.

53. What counted were the facts. Those facts were known to all and had been reported in the world press and in eyewitness accounts. All the international community asked was that Indonesia should respect human rights, the Charter of the United Nations and the relevant resolutions of the General Assembly and the Security Council.

54. The Portuguese Government had always supported the United Nations and the Secretary-General. Indonesia, on the other hand, had not accepted the relevant resolutions of the Organization, and only pressure from international public opinion and the representatives of States in the Third Committee had succeeded in forcing it to enter into a dialogue which had not yet produced the solution that Portugal, as the administering Power, and the rest of the world desired in East Timor. The Portuguese Government intended to pursue its negotiations under the auspices of the Secretary-General.

55. Mr. VAN LIEROP (Vanuatu) said that the representative of Indonesia had accused his delegation of being biased, judgemental and having blown the incident of 12 November at Dili, capital of the Non-Self-Governing Territory of East Timor, out of proportion for self-serving political purposes.

56. The representative of Indonesia was correct. The delegation of Vanuatu was biased. It had a strong bias against the cold-blooded and premeditated murder of civilians by military forces, particularly the military forces of a foreign occupying Power. Moreover, his delegation was judgemental. It found it difficult to be anything but judgemental when it witnessed scenes of brutality with its own eyes and heard eyewitness accounts of the brutal behaviour visited upon the people of a small defenceless country. Finally, there was the allegation that the incident at Dili had been blown out of proportion. That depended upon the value one placed on human life. His delegation had limited itself to a discussion of the massacre of 12 November. It had not discussed previous mass killings that had taken place in East Timor, nor had it discussed the 60-80 persons who had been shot to death on 15 November, the 10 or more persons killed on 17 November, including two small children, or the seven persons killed on 18 November.

57. The representative of Indonesia had also accused his delegation of providing an extreme example of a disinformation campaign and of having attempted to introduce extraneous elements - eyewitnesses - into the Committee's deliberations.

58. Once again, his delegation wished to admit its guilt - not of providing an extreme example of disinformation, unless that term referred to Vanuatu's painstaking efforts to research and substantiate events in order to distinguish truth from fiction. What his delegation was guilty of was suggesting that eyewitnesses should be allowed to relate what they had seen and heard. His delegation understood and appreciated the time constraints within which the Committee operated, but it had done nothing wrong from either a procedural or a moral point of view. Unfortunately, perpetrators of massacres operated within few constraints. Their heinous actions did not have to meet any deadlines; on the contrary, they often hid their misdeeds behind procedural points.

59. The killing of defenceless civilians was a tragic misdeed, but the act was made even more criminal by the effort to minimize or trivialize it.

60. The representative of Indonesia knew full well that the United Nations had never recognized the so-called self-determination of East Timor, which was an occupied colonial territory whose people lived in fear under a state of siege.

61. Mr. HUSSAIN (Pakistan) said that the representative of India had attempted to distract the Committee's attention from the gross human rights violations in the Indian-occupied State of Jammu and Kashmir, accusing Pakistan without foundation of abetting terrorism in Kashmir. Pakistan's

(Mr. Hussain, Pakistan)

long-standing proposal had been to establish a neutral mechanism, such as the stationing of impartial international observers along the line of control to monitor and investigate the situation and to reach independent conclusions. By refusing to accept that offer, India had exposed the baseless nature of its allegations against Pakistan.

62. The only real terrorism in occupied Kashmir was that unleashed by the Indian army against innocent men, women and children. Even the Indian police had estimated that more than 5,000 people had been killed, many more injured and thousands made homeless. Members of the United States Congress, the United Kingdom Parliament and the European Parliament had expressed shock at those human rights violations. Independent organizations, such as Asia Watch, Amnesty International and Human Rights Watch, had documented the violations, and even Indian human rights organizations and men of conscience had denounced the spectacle of death and destruction.

63. Kashmir was a disputed territory and had been recognized as such by the United Nations. The dispute was still on the agenda of the Security Council, which had adopted a number of resolutions calling for the future of Kashmir to be decided through a plebiscite conducted under the auspices of the United Nations. Although, unfortunately, they had not been implemented, those resolutions remained as operative as they had been upon adoption.

64. Years earlier, Indian leaders, including Prime Minister Jawaharlal Nehru, had declared that Kashmir's future must be decided by its population. Thus, the statement made earlier in the day by the representative of India stood in obvious contradiction with what Indian leaders had asserted in the past.

65. Security Council resolutions 91 (1951) and 122 (1957) had categorically affirmed that any action by the "constituent assembly" convening in occupied Kashmir, which had sought to claim for itself the right to determine the future status of the State, could not be a substitute for the will of the people of Jammu and Kashmir expressed through a free and impartial plebiscite conducted under the auspices of the United Nations.

66. Kashmir was not and had never been an integral part of India. India's claims had no moral or legal basis and disregarded the legality of the Security Council resolutions.

67. In the pursuit of a settlement of their differences through a meaningful dialogue with India, the Prime Minister of Pakistan had taken a number of initiatives and had sent a special envoy to convince India that a peaceful settlement of the Kashmir dispute would reduce tension in the southern Asian region. It was to be hoped that India would respond positively to those initiatives.

68. Mr. NECAJ (Albania), referring to the violence and the human rights situation in Yugoslavia, said that the Albanian issue was well-known and had been considered in many forums, and by human rights organizations, parliaments and the Governments of European countries and the United States, the individual and collective rights of Albanians in Yugoslavia having been violated with the utmost brutality for the past decade.

69. Serbian chauvinism, which had already led to armed attacks against Slovenia and Croatia, was currently turning against Kosova with even greater brutality. After eradicating all traces of autonomy in that province and dissolving its legitimate political organs, the Serbs were concocting plans for the repression and annihilation of the Albanians.

70. His delegation called upon international organizations, Governments and scientific institutions to raise their voices in defence of the rights of the Albanians of Kosova and of their national identity, language and culture, which Serbian chauvinism sought to destroy. The future of Yugoslavia and its Albanian population must not be decided without heeding the Albanians or taking into consideration their wishes, which represented the will of the third most populous nation of the country on whose behalf the representative of Yugoslavia spoke.

71. Albania did not wish ill for the peoples of Yugoslavia. On the contrary, it wanted them to exercise freely and democratically their national aspirations and to enjoy human rights and fundamental freedoms, and that included its Albanian brothers in Kosova and the other Albanian regions in Yugoslavia. His delegation called upon Yugoslav officials to dissociate themselves from those criminal acts, to adopt the attitude and the measures needed to identify and condemn the perpetrators and to ensure that Albanians would never again be the victims of such crimes.

72. Mr. KASOULIDES (Cyprus) said that the representative of Turkey had attempted to mislead the Committee and to divert its attention from the gross violations of human rights perpetrated by that country against the inhabitants of Cyprus. His delegation would attempt to put the record straight.

73. The representative of Turkey was right in saying that there had been a Cyprus problem before 1974. Even before the establishment of the Republic of Cyprus, Turkey had proclaimed that Cyprus was an extension of mainland Turkey and should therefore revert to it. Turkey's efforts to undermine the foundations of the Republic of Cyprus had begun with the Republic's establishment and culminated in 1974 with the Turkish invasion. On instructions and under coercion from Ankara, the Turkish Cypriots had withdrawn from the organs of the Republic of Cyprus in order to reinforce the claim that the two communities in Cyprus could not live together in peace.

74. Turkey had invaded Cyprus in 1974 on the pretext of restoring the constitutional order and of reinstating Cyprus as the independent, sovereign and united State that had been created in 1960 with Turkey as a guaranteeing Power.

(Mr. Kasoulides, Cyprus)

75. Turkey had even had the temerity to accept the conditions set forth in General Assembly resolution 3212 (XXIX) governing the return to normality on the island, which had been repeated word for word in every subsequent resolution of the Security Council and of other international bodies.

76. Seventeen years later, the army of occupation was still on the island, and the Power guaranteeing of the independence and sovereignty of the Republic of Cyprus had become its tormentor. Turkey had even recognized as a legitimate State the illegal entity in the north of Cyprus. That act was incompatible with the 1960 Treaty of Guarantee and the Treaty concerning the Establishment of the Republic of Cyprus.

77. Turkey had ignored all the relevant United Nations resolutions and accepted its international obligations only when they were in its interests. Turkey's attempt to rewrite Security Council resolutions 649 (1990) and 716 (1991) in its recent letter (A/46/584) was a good example of such a tactic.

78. In his statement, the representative of Turkey had attempted to project a more humane image of his country. He had spoken of commissions, legislation, ratification of international instruments and submission of reports to international bodies. All those promises would remain a dead letter as long as Turkey continued to be labelled an international aggressor. His delegation once again called upon Turkey to withdraw its troops from Cyprus.

79. Mr. VASSILAKIS (Greece) said that it was not unusual for countries like Turkey, which had a record of disrespect for the rule of law, United Nations resolutions and human rights, to try to divert attention from objective facts and reality.

80. Even so, his delegation had been surprised to hear the Turkish representative refer to the coup d'état on July 1974 which had been staged by conspirators who were still serving life sentences in Greece. Greece fully supported the efforts of the Security Council to solve the Cyprus issue through the full implementation of resolution 716 (1991).

81. In 1923, the Greek community in Istanbul had numbered over 250,000; it had now declined to 3,000. That situation had not come about without deliberate action on the part of the Turkish authorities. It was too late to express regret after so much suffering had taken place, particularly since pressure continued to be exercised on those who had been left behind.

82. In 1923, the Muslim minority in Greece had numbered 106,000. It now numbered around 120,000. If Greece had followed Turkey's example, the size of the Muslim minority would not have increased. Greece had never applied to its minorities the policies that the Turks had implemented in relation to the Greek minority in Istanbul and other minorities in Turkey. The Muslim minority in Greece enjoyed the full range of human rights, including all political and religious rights; moreover, his Government had recently

(Mr. Vassilakis, Greece)

announced measures to accelerate the economic development of Western Thrace where the Muslim minority was happily living alongside the other inhabitants of the area.

83. There were no grounds for complaint with regard to article 19 of the Greek Nationality Act. However, because it had given rise to misunderstandings, it was currently being reviewed by the competent authorities in order to eliminate even the slightest ambiguity that could have been created by inappropriate interpretation.

84. Greece's record on human rights was one of the best in the world. His delegation therefore observed with deep regret that Turkey was continually violating human rights both in its own territory - for example, disrespect for the rights of the Kurds and the practice of torture - and in the territory it was occupying in Cyprus. In that regard, the report of the European Commission of Human Rights of the Council of Europe was very eloquent. Several international bodies were closely following the human rights situation in Turkey.

85. It was to be hoped that the Turkish authorities would be enlightened by the prevailing world-wide movement for the respect of human rights and would apply all the relevant United Nations resolutions on Cyprus, fully implement legislation protecting minorities and totally ban the practice of torture.

86. Mr. WISNUMURTI (Indonesia) said that he had to respond to the remarks made by the Portuguese delegation which, in his view, had made no positive contribution to the Committee's deliberations and were merely a continuation of that delegation's politically motivated smear campaign against Indonesia. His delegation reiterated that before any judgements were made regarding the incident in Dili, the national commission of investigation must be permitted to conduct a full and thorough investigation of the matter and there must be no attempt to influence its outcome by drawing conclusions before the commission's work was completed. The Portuguese delegation had not felt it necessary to substantiate its accusations with facts, and had not even taken the trouble to use the correct names of the Indonesian personalities it had mentioned; that was further proof of its total ignorance of the facts. Portugal, moreover, had accused Indonesia of not respecting the cultural and religious identity of the population of East Timor; that accusation was totally unfounded. Indonesia was a multicultural nation which practised religious freedom and tolerance, as had been noted by His Holiness Pope John Paul II. Portugal apparently felt entitled to cast doubt on the credibility of the Indonesian legal system, which amounted to gross interference in the internal affairs of a sovereign country and a member of the United Nations.

87. As to the representative of Vanuatu, who had tried to defend his statement on the Dili incident, he was continuing to misuse the words "massacre" and "judgemental" taken from the Indonesian statement and used out

(Mr. Wisnumurti, Indonesia)

of context. That representative had even attempted to add what he perceived to be new facts, namely other "killings" alleged to have occurred after 12 November; the Indonesian Government had strongly denied those allegations.

88. Mr. AIYAR (India) thanked the Pakistani delegation for noting that pandit Nehru had promised that the population of Kashmir would decide on its own fate. It had already decided to merge with India, and that was a reality that Pakistan refused to accept. Moreover, the incidents of violence attributed to the Indian army were grossly exaggerated. At all events, the army had not hesitated to order an investigation of the incidents in question. In that respect it would offer its full cooperation.

89. India assured Pakistan that whatever the provocation, internal or external, the rule of law applied as much to Jammu and Kashmir as it did to any other part of the country.

90. India had nothing to learn from a country with as appalling a human rights record as Pakistan. India was confident that its brothers and sisters in Pakistan would, by their own efforts, eventually secure the unimpeded enjoyment of their human rights and fundamental freedoms. It had therefore consistently refrained from interfering in the internal affairs of Pakistan and from drawing the Committee's attention to the human rights situation in Pakistan and Pakistan-occupied Kashmir; it believed that good relations between India and Pakistan would make a key contribution to peace and respect for human rights in the subcontinent as a whole. He illustrated India's attitude with the image of the caravan of democracy, fundamental freedoms and human rights moving forward; as the saying had it: "Let the dogs bark; the caravan moves on".

91. Mr. VAN LIEROP (Vanuatu) recalled that in the statement he had made on 25 November he had quoted Thoreau; he was now going to quote a commander of the Indonesian army who had said that the only order that had been given by the authorities in respect of the Santa Cruz incident had been the order to kill or be killed. The soldiers had had instructions to eliminate the political leaders of East Timor under the pretext that they were ill-bred people who had to be shot.

92. The members of the national commission of investigation that was to investigate the incident at Dili were all former soldiers or members of the Government. He challenged the Indonesian delegation to prove that that was false. He called for the release of prisoners so that they could attest to the truth of what he had said. However, as recent events that had occurred elsewhere proved, no nation could be kept enslaved forever. The military occupation of East Timor would come to an end.

93. Mr. BURCUOGLU (Turkey), responding to the Greek delegation, said that from the outset Greece had borne heavy responsibility for the situation in Cyprus. If Greece sincerely wanted to establish a new bizonal and bicommunal State, it must start by recognizing that Cyprus was not a Greek island, but was the common homeland of the Turkish Cypriots and the Greek Cypriots.

94. To say that the Turkish minority in Greece had no problem was an insult to human intelligence. The facts spoke for themselves. In all the Balkan countries, there was a Turkish minority or community. Greece was no exception. It was history that had determined that. In Bulgaria, in Romania and in Yugoslavia the Turkish minority enjoyed recognition. Greece, however, continued to deny the ethnic identity of the Turkish minority, as well as that of the Macedonian minority. In the Balkans and in Europe, Greece was the last bastion of reaction in respect of the question of minorities. With all the charges against it, Greece was the weakest link of the European community; the eleven other countries had accepted their responsibilities. He reminded the Greek representative that it was no longer acceptable at the United Nations to dodge accusations by making counter-accusations.

95. Mr. REINO (Portugal), replying to the statement made by the representative of Indonesia, said he understood that delegation's embarassment since, in the absence of any arguments, it stooped to empty criticisms. He apologized for having incorrectly pronounced the names of the generals and officials to whom he had referred and stated that the claim that East Timor belonged to Indonesia was completely contrary to the Charter of the United Nations and to all the relevant Security Council and General Assembly resolutions.

96. Like the representative of Vanuatu, he wished to appeal to Indonesia to allow an international commission of inquiry to investigate the situation on the spot.

97. Mr. STRUGAR (Yugoslavia) said that he regarded the statement of the representative of Albania demanding respect for the right to self-determination of the Albanian national minority in Yugoslavia and calling for the establishment of an independent Albanian State in Kosovo, in Yugoslav territory as a string of lies. That initiative was clearly a case of direct interference in the internal affairs of Yugoslavia and a manifestation of the undisguised territorial aspirations of Albania.

98. Mr. VASSILAKIS (Greece) recalled that his country had on several occasions declared its readiness to cooperate with Turkey provided that Turkey was prepared to comply with existing treaties, both international and bilateral. If that was Turkey's intention, Greece urged it to begin by implementing the United Nations resolution concerning Cyprus, which it had ignored for so many years. He wished to reiterate that in Greece there were no minorities other than the Muslim minority.

99. Mr. KASOULIDES (Cyprus) said that the question of Cyprus was neither a dispute between Greece and Turkey, nor a regional problem, but rather an international problem. He wished to assure the members of the Committee that the Republic of Cyprus was unreservedly cooperating with the Secretary-General and the Security Council in their efforts to resolve the problem.

100. Mr. HUSSAIN (Pakistan) said that the facts of history were simple and could not be distorted. The resolutions of the United Nations Security Council and those concerning the United Nations Military Observer Group in India and Pakistan (UNMOGIP) had given the population of Kashmir the right to decide its future through the organization of a free plebiscite. However, independent, impartial and well informed human rights organizations, including some in India, had reported massive violations of human rights by the Indian authorities in the territory of Kashmir.

101. Pakistan believed in a policy of good-neighbourliness and, in that spirit, had proposed a number of confidence-building measures in order to improve relations between the two countries. He hoped that India would engage in a constructive dialogue with Pakistan aimed at resolving all pending problems, including that of Kashmir, in accordance with the resolutions of the Security Council and in keeping with the spirit of the 1972 agreement.

102. With respect to the implementation of the resolutions concerning UNMOGIP, he wished to make clear that demilitarization applied to the entire territory of Kashmir. However, when required to do so, the Indian forces had refused to withdraw, citing arguments that were totally untenable. India had not accepted the arbitration offered by the United Nations Special Representative for Kashmir, thus obstructing the implementation of the resolutions concerning UNMOGIP.

103. He concluded by quoting from a statement by the former Prime Minister of India, Mr. Nehru: "We have given our word of honour for a peaceful solution. As a great nation we cannot go back on it. We have left the question of a final solution to the people of Kashmir and we are determined to abide by it. The world is waiting for the fulfilment of that solemn pledge."

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Draft resolution A/C.3/46/L.62

104. Mr. SOMAVIA (Chile), introducing draft resolution A/C.3/46/L.62 entitled "Social development", on behalf of its sponsors, said that Brazil, Finland, Iceland, Mexico and Norway had joined the sponsors of the draft resolution.

105. The draft resolution followed upon Economic and Social Council decision 1991/230 and several important subsequent developments. The possibility of convening a World Summit for Social Development had been raised in the plenary Assembly and in the Third Committee, both by regional groups and by representatives of the Secretariat.

(Mr. Somavia, Chile)

106. The draft resolution was merely a procedural resolution, aimed at providing support for the consultations undertaken by the Secretary-General and it in no way prejudged the substantive decisions that would be taken by the Economic and Social Council and by the General Assembly.

107. The draft resolution had no programme budget implications and he hoped that it would be adopted without a vote.

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Draft decision A/C.3/46/L.45

108. Mrs. TEEKAMP (Netherlands), introducing draft decision A/C.3/46/L.45 entitled "Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", said that her delegation was merely proposing a procedural text aimed at ensuring that the Secretary-General reported to the forty-seventh session of the General Assembly on the status of the Convention.

Draft decision A/C.3/46/L.47

109. Mr. STUART (Australia), introducing the draft decision entitled "Consideration of the request for revision of article 8, paragraph 6, of the International Convention on the Elimination of All Forms of Racial Discrimination", recalled that, in its statement of 14 November 1991, his delegation had announced that the Australian Government intended to propose that the funding provisions of the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families should also be used in the International Convention on the Elimination of All Forms of Racial Discrimination so that the cost of implementing the latter would be met from the regular budget of the Organization. The Australian Government also intended to seek an amendment with the same effect to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for the reasons that had been set out in its statement.

110. In accordance with article 23 of the International Convention on the Elimination of All Forms of Racial Discrimination concerning requests for the revision of the Convention made by a State Party, the proposed amendment to article 8, paragraph 6, should be considered by the States Parties at their meeting in January 1992; that would avoid the need to call a special meeting. That decision, without prejudging the outcome of such consideration, was completely in line with the conclusion in the Secretary-General's report on the financial and legal implications of full funding for the operation of all human rights treaty bodies (A/46/650, para. 7), according to which it would be necessary to invoke the amendment provisions in the two treaties if the costs

(Mr. Stuart, Australia)

of the operations of their expert supervisory bodies were to be fully met from the regular budget of the Organization.

111. It would be for the States Parties to decide both on the amendment itself and on the procedure for its adoption and entry into force; the Australian Government's suggestions in that regard were contained in the attachment to the letter which it had addressed to the Secretary-General (A/C.3/46/5). However, any amendment adopted by the States Parties would have to be considered and approved by the General Assembly. Before any amendment could come into effect, agreement would need to be reached on the budgetary arrangements for meeting those costs from the assessed contributions of States Parties to the regular budget.

112. The decision to seek amendment of article 8, paragraph 6 of the Convention had been taken only after debate over several years on the financing problems created by the provision that States parties should meet the expenses of the Committee on the Elimination of Racial Discrimination. The Secretary-General referred in his report to the concern expressed by that Committee about the unsatisfactory arrangements for funding the costs of attendance by Committee members and to the expert's recommendations that full funding should be provided from the regular budget. The funding problem had been the subject of a series of General Assembly consensus resolutions on the CERD report, introduced by the Yugoslav delegation, as well as resolutions on the effective implementation of United Nations human rights treaties adopted by the General Assembly and the Commission on Human Rights. To ensure that the decision to resolve the funding problem would not open the way to amendment of other aspects of the Convention, the General Assembly would request in the draft decision that the scope of any revision of the Convention should be limited to the question of arrangements for meeting the expenses of members of the Committee, as provided for in article 8, paragraph 6, of the Convention.

113. The delegation of Ecuador had pointed out an error in the Spanish version of the draft decision. At the beginning of the 11th line, the word "decida" should be deleted and the capital "Y" immediately following should be replaced by a small "y".

114. His delegation believed that there was very broad support in the Third Committee for the proposed amendment, but that the legal and financial aspects of the revision would require substantial discussion before the January Meeting of States Parties. Since the draft decision did not take a position on the substance of the Australian Government's proposal, but rather was a technical decision meeting the requirements of article 23 of the Convention, his delegation hoped that it could be adopted without a vote.

Draft resolution A/C.3/46/L.49

115. Mr. DUHS (Sweden), introducing the draft resolution entitled "International covenants on human rights" on behalf of the sponsors, outlined some of its provisions and expressed the hope that it would be adopted without a vote, as in the case of resolutions on the subject in previous years.

Draft resolution A/C.3/46/L.52

116. Mrs. AGUILERA (Mexico) introduced draft resolution A/C.3/46/L.52, entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families" on behalf of the sponsors.

117. The adoption of the Convention by the General Assembly in 1990 represented a significant advance in the protection of the rights of migrant workers - a particularly vulnerable group - and the members of their families, and strengthened the legal framework established by the United Nations to protect human rights and fundamental freedoms. For that reason, and in view of the increasing massive departures of workers in search of better living conditions, the speedy entry into force of the Convention would prove that the international community wished to improve the situation and to ensure respect for the rights and dignity of migrant workers and their families.

118. She pointed out that in paragraph 7, the second and third lines should be amended to read: "... under the sub-item: "Implementation ...", and expressed the hope that the draft resolution would be adopted without a vote.

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

Draft resolution A/C.3/46/L.34/Rev.1

119. Mr. FERNANDEZ (Cuba) introduced draft resolution A/C.3/46/L.34/Rev.1, entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms". The Central African Republic, the Islamic Republic of Iran and the Sudan had joined the sponsors of the original draft resolution, (A/C.3/46/L.34) - an indication of the growing support for the draft resolution. The changes made to the original draft resolution were the deletion of paragraph 5, the introduction of a new paragraph 10 taken from General Assembly resolution 45/96 and a change in the order of the last three paragraphs.

Draft resolution A/C.3/46/L.37

120. Mr. RAVEN (United Kingdom) introduced the draft resolution entitled "The protection of persons with mental illness and the improvement of mental health care" on behalf of the sponsors, who had been joined by Cameroon and Costa Rica. In an earlier resolution on the question, the Commission on Human Rights had been requested to complete its elaboration of "a draft body of principles for the protection of persons with mental illness and for the improvement of mental health care." It was a draft on which the Commission had been working for many years, through its working group, with broad support from countries and non-governmental organizations. It was in recognition of the strenuous efforts of highly competent experts that the preparation of the draft started in the Subcommission on Prevention of Discrimination and Protection of Minorities had been left to the Commission. The draft resolution was the joint effort of many delegations to draw up standards for the protection of a vulnerable group of people. The draft resolution had no programme-budget implications and his delegation hoped that it would be adopted without a vote.

Draft resolution A/C.3/46/L.44

121. Mrs. TEEKAMP (Netherlands), introducing the draft resolution entitled "United Nations Voluntary Trust Fund on Contemporary Forms of Slavery" on behalf of the sponsors, said that its purpose was to create the Voluntary Trust Fund.

122. After drawing attention to a number of provisions in the draft resolution, she expressed the hope that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/46/L.39/Rev.1

123. Mr. LAZARO (Peru) said that, as a result of a technical error, the revised draft resolution as issued was identical to the original draft. The text would be reissued during the afternoon.

Draft resolution A/C.3/46/L.46

124. Mr. STRUGAR (Yugoslavia), introducing the draft resolution entitled "Right to development" on behalf of the sponsors, who had been joined by Burkina Faso and Cameroon, said that the Secretary-General had produced an excellent comprehensive report on the subject (E/CN.4/1991/12 and Add.1) which had opened up a new phase in the implementation and promotion of the Declaration on the Right to Development; for that reason the sponsors requested the Secretary-General to submit concrete proposals on the issue (para. 3). Preparations for the 1993 World Conference on Human Rights were well advanced and one of the objectives of the Conference would be to examine the relations between the right to development and the enjoyment of human rights. Paragraph 10 indicated the importance that the sponsors attached to

(Mr. Strugar, Yugoslavia)

the link between democracy, human rights and development. Most Member States, in particular the developing countries, hoped that the draft resolution would contribute even more to the implementation of the recommendations of the Global Consultation on the Realization of the Right to Development as a Human Right, but since their main concern was to achieve a consensus, they had not insisted. They hoped that the draft resolution would be adopted without a vote, as in the case of past resolutions on the same question.

Draft resolution A/C.3/46/L.48

125. Miss MEHTA (India) introduced on behalf of the sponsors, who had been joined by France, the draft resolution entitled "National institutions for the protection and promotion of human rights". The sponsors were convinced that the Universal Declaration of Human Rights and the International Bill of Human Rights had established universal standards and had created a framework for the enjoyment of human rights, and that the implementation and protection of the rights set forth in those documents could be facilitated by national institutions which each country had to establish and develop, bearing in mind its past experience. The sponsors affirmed that principle and took note of the various procedures used throughout the world to promote human rights at the national level; they welcomed the increased number and growing effectiveness of national institutions and the exchange of experience to that end. She drew attention to paragraphs 8 and 9, noting that the sponsors had endeavoured to take into consideration the interests of various delegations. They hoped therefore that the draft resolution could be adopted by consensus as had been the case with texts dealing with that issue in previous years.

126. Several amendments should be made to the draft resolution. The third line of paragraph 8 should read: "and to do so on the basis of established procedures for the use of available resources within the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights"; in the fifth line of paragraph 9, the world "including" should be replaced by the words "as well as"; in the last line of paragraph 11, the words "or organized by" should be inserted after the words "under the auspices of".

Draft resolution A/C.3/46/L.50

127. Miss LE FRAPPER du HELLEN (France) introduced on behalf of the sponsors, who had been joined by Australia, Gabon, Grenada, Ireland, the Niger, Samoa and Sweden, the draft resolution entitled "Question of enforced or involuntary disappearances". It was important for the international community to draw the attention of the General Assembly once again to its strong condemnation of a practice which most often combined torture, arbitrary arrest, summary execution and the drama of families living with uncertainty. As indicated in the report submitted by the Working Group to the Commission on Human Rights at its forty-seventh session (E/CN.4/1991/20), enforced disappearances were a persistent phenomenon and, accordingly, the humanitarian work of the Working Group must continue. The sponsors applauded those Governments which had

(Miss Le Frapper du Hellen, France)

demonstrated their willingness to cooperate with the representatives of the Commission on Human Rights, in particular by inviting them to visit their countries. Cooperation and openness could only have positive effects. She drew attention to paragraph 3 of the draft.

128. The draft resolution also specified that the working group mandated to consider the draft declaration on the protection of all persons from enforced or involuntary disappearances had completed its work in Geneva. That draft declaration was significant because the exceptional gravity of the systematic practice of enforced disappearances had to be recognized. It was therefore essential to enable the Commission on Human Rights to adopt the draft declaration and transmit it, through the Economic and Social Council, to the General Assembly. The sponsors hoped that the text, similar to those relating to the same matter in previous sessions, would be adopted without a vote.

Draft resolution A/C.3/46/L.54

129. Mr. KHVOSTOV (Belarus), introducing on behalf of the sponsors the draft resolution entitled "Human rights and scientific and technological progress", read out the text. Paragraph 6 should be revised to read "Decides to consider the question of human rights and scientific and technological progress at its forty-eighth session under the item entitled 'Human rights questions'". He hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/46/L.55

130. Mr. TROTTER (Canada) introduced on behalf of the sponsors, who had been joined by the United States, the draft resolution entitled "Human rights and mass exoduses". He read out the preambular paragraph which stated that human rights violations were one of the multiple and complex factors causing mass exoduses of refugees and displaced persons. He thanked the delegations, in particular India, for their comments which had led the sponsors to introduce a new paragraph 7 into the draft, which would read: "Also notes in this connection that mass movements of populations are caused by multiple and complex factors, either man-made or natural, ranging from wars and armed conflicts, invasions and aggressions, violations of human rights, forcible expulsions, economic and social factors and natural disasters to degradation in the environment, which indicates that early warning requires an inter-sectoral and multi-disciplinary approach".

131. He read out several paragraphs and pointed out that the amendments made to the texts of corresponding resolutions from previous years were merely intended to update the draft resolution. He hoped that it would be adopted by consensus.

Draft resolution A/C.3/46/L.56

132. Mr. MARANTZ (Canada), introducing the draft resolution entitled "International Year for the World's Indigenous People", said that Costa Rica, Fiji and the Marshall Islands had joined the sponsors.

133. The theme "Indigenous people - a new partnership", which had been recommended to the Secretary-General for the International Year, had grown out of consultations among countries, indigenous peoples' organizations and United Nations bodies. The draft resolution had been inspired by a general desire to protect the rights of indigenous people, it being understood that without economic stability, those rights remained mainly theoretical.

134. The draft resolution had resulted from the consideration of the question of the rights of indigenous peoples undertaken about 10 years earlier by a Commission on Human Rights working group on indigenous peoples. It was therefore only natural that the Under-Secretary-General for Human Rights should be appointed as the Coordinator of the International Year; the draft also recommended that the International Labour Organisation (ILO) should participate in the coordination process in view of the pioneering role ILO had played in recognizing the special situation of indigenous peoples. The participation of the Office of the Director-General for International Economic Cooperation was also necessary if the International Year was to be truly meaningful.

135. The International Year would serve as a test of the willingness of States to defend the rights of indigenous peoples. The draft resolution should not have any programme-budget implications. The United Nations should be able to finance the International Year from existing resources; voluntary contributions from States, intergovernmental and non-governmental organizations and indigenous peoples' organizations should suffice to cover any additional costs. He appealed to the generosity of States and to the spirit of cooperation of the Secretary-General, which were needed to implement paragraphs 9, 10 and 11. The sponsors also attached particular importance to the meeting referred to in paragraph 12. His delegation hoped that the draft would be adopted without a vote.

Draft resolution A/C.3/46/L.59

136. Mr. FERNANDEZ (Cuba), introducing on behalf of the sponsors the draft resolution entitled "Strengthening of United Nations action in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity", said that broad, non-selective and impartial international cooperation was possible only if there was acceptance of the multiple approaches to defining human rights and fundamental freedoms and of the various ways those ideas were implemented in different societies. The international community must therefore reaffirm its commitment to the criteria of universality, impartiality and non-selectivity

(Mr. Fernandez, Cuba)

in order to avoid a biased analysis, thereby establishing the real situation of human rights in the world.

137. Because one delegation had observations to make on the draft resolution, consultations were still being held.

138. Mr. STUART (Australia) said that, during the forty-fifth session of the General Assembly, his delegation had held consultations with Cuba which had finally given rise to consensus and the adoption of resolution 45/163. The draft resolution currently under consideration differed considerably from that resolution; consultations between his country and Cuba were under way.

The meeting rose at 1.05 p.m.

UNITED NATIONS

General Assembly

FORTY-SIXTH SESSION

Official Records

THIRD COMMITTEE
54th meeting
held on
Wednesday, 27 November 1991
at 3 p.m.
New York

SUMMARY RECORD OF THE 54th MEETING

Chairman: Mr. AL-SHAALI (United Arab Emirates)

CONTENTS

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

This record is subject to correction.
Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, Room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

91-57707 5444S (E)

Distr. GENERAL
A/C.3/46/SR.54
4 December 1991

ORIGINAL: ENGLISH

The meeting was called to order at 3.15 p.m.

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/C.3/46/L.40)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/46/L.2, L.3/Rev.1, L.26*, L.35, L.36, L.39/Rev.1*, L.43, L.54, L.60, L.61, L.63)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/C.3/46/L.51, L.53, L.57, L.58, L.64)

Draft resolution A/C.3/46/L.60 (Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes)

1. Mr. MORA GODOY (Cuba), introducing the draft resolution on behalf of the sponsors, said that they had been joined by the Lao People's Democratic Republic, the Libyan Arab Jamahiriya and Zimbabwe. He drew special attention to paragraph 4, according to which the General Assembly recognized that there was no universal need for the United Nations to provide electoral assistance to Member States. The reference to the item entitled "Enhancing the effectiveness of the principle of periodic and genuine elections" in paragraph 11 was an error, as the implementation of the draft resolution would instead be considered under the agenda item on human rights questions.

Draft resolution A/C.3/46/L.61 (Enhancing the effectiveness of periodic and genuine elections)

2. Mr. WATSON (United States of America) introduced the draft resolution on behalf of the sponsors, now joined by Argentina, Belarus, Belgium, Costa Rica, Haiti, Honduras, Hungary, Italy, and the Marshall Islands. The overall goal of the draft resolution was to respond constructively to the report of the Secretary-General (A/46/609 and Add.1 and 2) in response to General Assembly resolution 45/150 and to provide electoral assistance to Member States at their request, in the context of full respect for their sovereignty. The text of the draft had benefited from the suggestions of delegations in all regional groups, and the sponsors were prepared to consider further suggestions for improvement.

Draft resolution A/C.3/46/L.63 (Elimination of all forms of religious intolerance)

3. Mr. HENNESSY (Ireland) introduced the draft resolution on behalf of the sponsors.

Draft resolution A/C.3/46/L.43 (Situation in Myanmar)

4. Mr. DUHS (Sweden) introduced the draft resolution on behalf of the sponsors, who had been joined by Bulgaria, Chile, India and Mauritius. It would be recalled that at the forty-fifth session his delegation had initiated a draft resolution (A/C.3/45/L.58) addressing the situation in Myanmar. In the light of some objections of a technical and procedural nature, the sponsors had agreed to the deferment of a decision on the subject to the forty-sixth session. At that time, his delegation had made a statement expressing the sponsors' hope that the violations of human rights addressed in the draft resolution would have been satisfactorily resolved long before the General Assembly reverted to the matter. Regrettably, however, the situation in Myanmar still merited serious attention. His delegation and the other sponsors had therefore decided to submit a new draft resolution on the matter.

5. The text was an entirely new one; accordingly, it was the wish of the sponsors of draft resolution A/C.3/45/L.58, the text of which was contained in document A/C.3/46/L.2, to withdraw that draft. The preparation of the new draft had been preceded by extensive consultations, which were still continuing. He thanked all delegations involved for their constructive contributions.

Draft resolution A/C.3/46/L.51 (Situation of human rights and fundamental freedoms in El Salvador)

6. Mr. TATTENBACH (Costa Rica), introducing the draft resolution on behalf of the sponsors, said that it contained elements of crucial importance for finding a just solution to a situation that had preoccupied the international community for years. He described the main points of the draft resolution, and expressed the hope that it could be adopted by consensus.

Draft resolution A/C.3/46/L.53 (Situation of human rights in Iraq)

7. Mr. NOTERDAEME (Belgium) introduced the draft resolution on behalf of the sponsors, who had been joined by Argentina, Latvia and Rwanda. The interim report submitted by the Special Rapporteur (A/46/647) described a most alarming situation which had existed for years and was still continuing today. The international community could not remain indifferent in the face of such a deplorable state of affairs; it had a duty to draw attention to the sufferings of Iraqi citizens deprived of their most fundamental rights, as well as to denounce the Iraqi authorities' contempt for the rules of international law, particularly those concerning human rights and fundamental freedoms.

8. The Committee had heard several statements by the Iraqi delegation expressing its Government's political will to strengthen the promotion of human rights in Iraq. The sponsors of the draft resolution hoped that the Government of Iraq would give attention to the concerns of the international community as set forth in the draft, and would act accordingly. They took note of the Iraqi Government's declared intention fully to cooperate with the

(Mr. Noterdaeme, Belgium)

Special Rapporteur and hoped that his forthcoming visit to the country would bring home to that Government the urgent need to respect all human rights of all persons under its jurisdiction and to put an end to practices blatantly at variance with international law and with human dignity.

Draft resolution A/C.3/46/L.57 (Situation of human rights in Kuwait under Iraqi occupation)

9. Mr. RAZZOOGI (Kuwait), introducing the draft resolution on behalf of the sponsors, stressed the efforts made to draft the operative part in such a manner as to avoid controversy. Thus, taking into account the views expressed by certain delegations, the sponsors had agreed to replace the word "Demands", which had originally appeared at the beginning of paragraph 6 by the words "Further requests".

Draft resolution A/C.3/46/L.58 (Situation of human rights in Afghanistan)

10. The CHAIRMAN introduced the draft resolution, which he was submitting on the basis of informal consultations.

Draft resolution A/C.3/46/L.64 (Human rights in Haiti)

11. Miss do SILVA (Venezuela) introduced the draft resolution on behalf of the sponsors, who had been joined by Belgium, Denmark, Germany, Greece, Honduras, Hungary, Ireland, Italy, Jamaica, Luxembourg, Norway, Portugal, the United Kingdom, the United States and Vanuatu, drew attention to its most important points and expressed the hope that it would be adopted by consensus.

Draft resolution A/C.3/46/L.39/Rev.1* (Human rights and extreme poverty)

12. Mr. LAZARO (Peru), introducing the draft resolution on behalf of the sponsors, noted that it had been reissued for technical reasons. Inasmuch as the changes were the result of intensive consultations and the draft resolution had no programme budget implications, it was to be hoped that it could be adopted by consensus.

13. The CHAIRMAN invited the Committee to take action on the draft resolutions.

Draft resolution A/C.3/46/L.40 (United Nations Voluntary Fund for Victims of Torture)

14. The CHAIRMAN said that the draft resolution, whose sponsors had been joined by New Zealand, had no programme budget implications.

15. Draft resolution A/C.3/46/L.40 was adopted without a vote.

Draft resolution A/C.3/46/L.3/Rev.1 (Non-discrimination and protection of minorities)

16. The CHAIRMAN said that the draft resolution, whose sponsors had been joined by the Philippines and Denmark, had no programme budget implications.

17. Draft resolution A/C.3/46/L.3/Rev.1 was adopted without a vote.

Draft resolution A/C.3/46/L.26* (World Conference on Human Rights)

18. Mrs. AKHAMLICH BENNANI (Morocco) requested the Committee to defer the vote on the draft resolution until 29 November.

19. It was so decided.

Draft resolution A/C.3/46/L.36 (Strengthening of the Centre for Human Rights)

20. The CHAIRMAN said that the draft resolution, whose sponsors had been joined by Suriname and Togo, no programme budget implications.

21. Mr. SEZAKI (Japan) said that his delegation had decided to support the recommendation of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) for a reduction in part of the proposed 1992-1993 programme budget allocation for the Centre for Human Rights because the Centre's request for allocations had not been convincing enough. It firmly believed, however, that more resources should be allocated to the Centre within the regular budget so that it would be better able to fulfil its mandate. His delegation was willing to join in the adoption by consensus of draft resolution A/C.3/46/L.36.

22. Mr. FONTAINE-ORTIZ (Cuba) said that his delegation had recently requested that, before taking action on certain draft resolutions, the Third Committee should invite a representative of the Office of Programme Planning, Budget and Finance or the Controller to appear before it to clarify whether certain resolutions drafted by the Committee dealt with matters which should be entrusted to the Fifth Committee, in accordance with part B, section VI, of General Assembly resolution 45/248. He had not been referring to the substance of those draft resolutions; rather, he was raising a procedural issue. It was regrettable that thus far there had been no opportunity to hear the views of the Secretariat on that matter.

23. The CHAIRMAN reported that the Office of Programme Planning, Budget and Finance had said that if the Committee so decided, a representative would appear at a future meeting.

24. Ms. VASSILIOU (Greece) said that her delegation had no objection to inviting a representative of that Office to appear before the Committee to answer questions. First, however, she would appreciate knowing what questions would be asked. She also wished to know whether the representative of Cuba

(Ms. Vassiliou, Greece)

had been referring only to the draft resolution under consideration or to other draft resolutions already adopted by the Committee.

25. Mr. FONTAINE-ORTIZ (Cuba) said that there was language in both the draft resolution under consideration and in other draft resolutions, including some already adopted, which dealt with administrative and budgetary matters; his concern was that such matters might fall outside the scope of the Third Committee's mandate. In particular, he believed that paragraphs 1 and 2 of draft resolution A/C.3/46/L.36 contained language that was inconsistent with General Assembly resolution 45/258 and should therefore be deleted.

26. Mr. RAVEN (United Kingdom of Great Britain and Northern Ireland) said that his delegation was in favour of inviting a representative of the Secretariat to discuss a wide range of issues with Committee members; however, that did not seem appropriate at the moment. He suggested that the Committee should invite a representative of the Secretariat to appear before it after the Committee had adopted all the draft resolutions under the current agenda item.

27. Mr. KRENKEL (Austria) said that his delegation supported the United Kingdom's suggestion.

28. Mr. FONTAINE-ORTIZ (Cuba) said that his delegation was willing to accept the suggestion.

29. Ms. VASSILIOU (Greece) said that her delegation joined in endorsing the suggestion. She also wished the Committee to invite a representative of the Office of Legal Affairs, who could help to clarify the rules of procedure. As to the Committee's competence to adopt draft resolution A/C.3/46/L.36, she said that, under rule 121 of the rules of procedure, that was a matter for the Committee itself to decide.

30. The CHAIRMAN said that if he heard no objections, he would take it that the Committee wished to invite a representative of the Office of Programme Planning, Budget and Finance and of the Legal Counsel to appear before it and that it wished to adopt draft resolution A/C.3/46/L.36.

31. Draft resolution A/C.3/46/L.36 was adopted without a vote.

The meeting rose at 4.55 p.m.